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FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA, Defendants.	Case No. 5:07-CV-01389-RS **DECLARATION OF THERESA A. SUTTON PURSUANT TO CIVIL LOCAL RULE 79-5(D) IN SUPPORT OF SEALING EXHIBIT D TO THE DECLARATION OF SCOTT MOSKO IN SUPPORT OF DEFENDANTS' REPLY MEMORANDUM** Date: July 11, 2007 Time: 9:30 A.M. Judge: Honorable Richard Seeborg

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I, Theresa A. Sutton, declare as follows:

1. I am an associate with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel to Plaintiffs Facebook, Inc. and Mark Zuckerberg. I am licensed to practice law in the State of California. I have personal knowledge of the facts and circumstances set forth in this Declaration. If called as a witness, I could and would testify competently to the matters set forth herein. I make this Declaration pursuant to Civil L.R. 79-5(d).

2. On July 6, 2007, Defendants Pacific Northwest Software and Winston Williams lodged exhibits with the Court pending this Court's ruling on Defendants' Administrative Request to Seal those documents. Exhibit D to the Declaration of Scott Mosko in Support of Defendants' Reply Memorandum contains private, confidential financial information.

3. Good cause exists for sealing Exhibit D. Exhibit D is Facebook's responses to interrogatories served in Massachusetts in the now-dismissed action titled *ConnectU LLC v. Mark Zuckerberg*, *et al* (Case No. 1:04-CV-11923 DPW). Exhibit D contains references to specific amounts of money invested in Facebook by third parties. It also contains references to specific grants of stock to employees and third parties. This information is private vis-à-vis the investors and other stockholders, and it is not Plaintiffs' right to authorize disclosure of such information. Exhibit D was designated as "Confidential — Attorneys' Eyes Only" under the Protective Order entered in the Massachusetts action.

4. Defendants also lodged as sealable Exhibit B to the Mosko Declaration. Exhibit B is Facebook's Bylaws. Though it is not generally available to the public and has not been filed publicly, Facebook agreed (prior to its filing with the Mosko Declaration) to de-designate that document. Exhibit B need not be placed under seal.

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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 13th day of July, 2007, at Menlo Park, California.

/s/ Theresa A. Sutton /s/

Theresa A. Sutton

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 13, 2007.

Dated: July 13, 2007.

Respectfully submitted,

/s/ Theresa A. Sutton /s/

Theresa A. Sutton